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Appl. No. 09/808,377  
Amdt. Dated April 20, 2005  
Reply to Office Action of February 25, 2005

REMARKS

Claims 1, 3, 4, 5, 6, 11, 12, 21, and 22 remain pending.  
Claims 1 and 21 are each currently amended. Claims 2, 7  
5 through 10, and 13 through 20 have been canceled.

"Claims 1, 4-6, 11-12, and 21 are rejected under 35  
U.S.C. 102(e) as being anticipated by Ogino (US Patent  
#6,762,794)." Also, "Claims 3 and 22 are rejected under 35  
10 U.S.C. 103(a) as being unpatentable over Ogino (US Patent  
#6,762,794)." As will be discussed below, the claims as now  
presented are not anticipated or made obvious by the  
teachings of Ogino.

15 Claim 1 (currently amended) is now claiming from amongst  
other elements -- . . . stereo imaging means . . . including:  
a camera; and set of mirrors angled with respect to each  
other at a predetermined angle relative to a centrally  
located common plane intersecting said camera, each mirror  
20 having adjacent ends positioned at a common point and  
disposed a predetermined distance from the camera along the  
common plane, for directing light from an object reflected in  
said mirrors along a straight line of sight directly from  
said mirrors to the camera, for producing a stereo effect in  
25 the output of the camera --. As shown in Figure 10 of Ogino,  
and as taught therein, Ogino does not teach the use of a  
camera and a set of mirrors as claimed in Claim 1 (currently  
amended). For example, the mirrors 1107 and 1112 of Ogino  
are not arranged to have ". . . adjacent ends positioned at a  
30 common point . . .," or ". . . for directing light from an  
object reflected in said mirrors along a straight line of  
sight directly from said mirrors to the camera"; nor are the

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mirrors angled with respect to each other along a ". .  
centrally located common plane intersecting said camera," as  
now claimed. The mirrors of Ogino are positioned a distance  
from one another, and cannot possibly have ". . .adjacent  
5 ends positioned at a common point." Also, it is not possible  
for Ogino to have his mirrors ". . .angled with respect to  
each other . . . relative to a centrally located common plane  
intersecting said camera." It is not possible for Ogino to  
direct " . . .light from an object reflected in said mirrors  
10 along a straight line of sight directly from said mirrors to  
the camera . . ." Ogino actually teaches away from  
Applicants' invention as now claimed. Clearly, Claim 1  
(currently amended) is now claiming a combination of elements  
for a stereo camera system that is completely different than  
15 that of Ogino. According, Claim 1 (currently amended) is  
patentable.

Claims 3 through 5, each are dependent from Claim 1  
(currently amended), dependent Claim 6 dependent from Claim 5  
20 and ultimately dependent from Claim 1 (currently amended),  
and Claims 11 and 12 dependent from Claim 1, are each  
patentable for at least the same reasons as Claim 1  
(currently amended).

25 Claim 21 (currently amended) is now claiming the  
following:

A method for adjusting a stereo camera system to  
control spatial resolution of an object of interest in  
the field of view of a stereo imaging means, the method  
30 comprising the steps of:

outputting at least one image from the stereo  
imaging means;

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locating an object of interest in the field of view of the stereo imaging means and at least one of the distance of the object of interest from the stereo imaging means and the size of the object of interest;

5 automatically changing at least one system parameter which affects the spatial resolution of the object of interest based on at least one of the located distance of the object of interest from the stereo imaging means and the size of the object of interest; and

10 providing said stereo imaging means by further including the steps of:

using a camera to receive light from said object; establishing a predetermined angle between a set of mirrors, the angle being relative to a centrally located common plane intersecting said camera, and adjacent ends of said mirrors being positioned at a common point of origin; and

15 establishing a predetermined distance from the camera and the adjacent ends of said mirrors for reflecting light from said object from mirrors along a straight line of sight directly to said camera, for producing a stereo effect in the output of the camera.

25 Claim 21 (currently amended) is claiming a combination of steps for a method for adjusting a stereo camera system not anticipated or made obvious by Ogino. More specifically, Ogino teaches away from such a combination of steps, and particularly does not show or in any way suggest the steps of

30 -- . . . establishing a predetermined angle between a set of mirrors, the angle being relative to a centrally located common plane intersecting said camera and adjacent ends of

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said mirrors positioned at a common point of origin; and  
establishing a predetermined distance from the camera and the  
adjacent ends of said mirrors for reflecting light from said  
object from said mirrors along a straight line of sight  
5 directly to said camera, for producing a stereo effect in the  
output of the camera. --. Accordingly, Claim 21 (currently  
amended) is patentable over Ogino for the above reasons, and  
for substantially the same reasons as Claim 1 (currently  
amended).

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"Claims 3 and 22 are rejected under 35 USC 103(a) as  
being unpatentable over Ogino (US Patent # 6,762,794)." As  
indicated above, Claim 3 is patentable for at least the same  
reasons as Claim 1 (currently amended).

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Claim 22 is claiming a stereo camera system that  
comprises a plurality of elements not found in Ogino, or made  
obvious by Ogino. For example, Claim 22 is claiming from  
amongst these elements -- . . . adjusting means comprises:

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angle adjustment means for adjusting the  
predetermined angle of at least one of the two cameras;

baseline adjustment means for adjusting the  
predetermined distance between the two cameras;

25

distance adjusting means for adjusting a distance  
between at least one of the two cameras and the object  
of interest; and

focal length adjustment means for changing a focal  
length of at least one of the two cameras. --.

Ogino does not teach the use of focal length adjustment means  
30 for changing a focal length of at least one of the two  
cameras. --, as called for in Claim 22. The Examiner has  
taken the position that the advantages of focal length

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adjustment are so well known it is obvious to modify Ogino to include such focal length adjustment means. Applicants respectfully traverse. Surely if the Examiner is correct as to the advantages of focal length adjustment being

5 "notoriously well known and expected in the art," Ogino would have included focal length adjustment means in his system. The fact is that he did not. Clearly he did not see any advantage to include focal length adjustment means, nor was it obvious to him to do so. Applicants, unlike Ogino,

10 recognized the advantage of combining focal length adjustment means with other elements of their invention as claimed, in a manner not made obvious by the prior art.

The undersigned reminds the Examiner that the case law

15 is clear in guarding against the use of hindsight in reading Applicants invention into the prior art, which art is clearly not disclosing the Applicants invention as claimed. Applicants again bring the following cases to the Examiner's attention:

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The Supreme Court in Calmar, Inc. v. Cook Chemical Co., 383 U.S. 1, 86 S.Ct. 634, 15 L.Ed.2d 545 (1966), in which the Court warns the dangers of "slipping into hindsight", citing the case of Monroe Auto Equipment

25 Co. v. Heckethorn Mfg. & Supply Co., 332 F.2d 406, 141 U.S.P.Q. 549 (6th Cir., 1964), where the doctrine is stated:

30

We now come to the patented device which after all is the subject matter of this case. At the outset we take note of two well-established principles. The first is that in considering the questions of

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obviousness, we must view the prior art from the point in time prior to when the patented device was made. Many things may seem obvious after they have been made and for this reason courts should guard against slipping into use of hindsight. We must be careful to "view the prior art without reading into that art the teachings of appellant's invention." Application of Spicer, 301 F.2d 686, 689 (C.C.P.A).

Applicants have reviewed the reference cited by the Examiner but not replied upon, and believe that the teachings of this reference whether taken individually or in combination with Ogino, does not anticipate or make obvious the claims as now presented. Accordingly, the present invention as now claimed is free of all of the cited references.

The claims as now presented are in condition for allowance. Accordingly, it is respectfully requested that the claims be allowed and the case passed on to issue.

Respectfully submitted,

  
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